

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 29, 2004

DIVISION ONE

B166740 Frangie (Not for Publication)
v.
Boren
Iris Limited Partnership et al.

We affirm the postjudgment order denying relief under section 473, subdivision (b). Respondents are awarded their costs.

Suzukawa, J., (Assigned)

We concur: Mallano, J., Acting P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B167486 Bookstein
v.
Gross

Filed order denying petition for rehearing.

November 29, 2004 (Continued)

DIVISION THREE

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B175871 Donald W. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied. Order to show cause issued on July 7, 2004, is discharged.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B169747 People (Not for Publication)
v.
Richard Eugene Delyle

The judgment is ordered modified to strike the \$10, 000 parole revocation fine imposed under section 1202.45. The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting the modification. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B164521 Robert F. Slack (Not for Publication)
B165897 v.
 Regents of the University of California

The judgment and the order from which plaintiff has appealed are each affirmed. Costs on appeal to the defendants.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FOUR

B172772 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Donald S.

The jurisdictional and dispositional orders are reversed and remanded solely for the juvenile court to determine whether further compliance with the ICWA notice provisions is required regarding appellant's claim of Mohawk heritage. If so, the court shall order appropriate notice be given. If the court determines that no further notices need be given, all previous findings and orders shall be reinstated and are affirmed.

Hastings, J.

We concur: Epstein, P.J.
 Curry, J.

November 29, 2004 (Continued)

DIVISION FOUR (Continued)

[illegible]

The superior court is directed to prepare and forward to the Department of Corrections a modified abstract of judgment to reflect the sentence as pronounced by the court. As modified, the judgment is affirmed.

Hastings, Acting P.J.

We concur: Curry, J.
Grimes, J. (Assigned)

DIVISION FIVE

[illegible]

The judgment as to count 1 is affirmed in its entirety. As to count 3, the cause is remanded solely for the trial court to determine whether to impose the Penal Code section 12022.95 enhancement and stay it pursuant to Penal Code section 654, subdivision (a) or strike it in full compliance with Penal Code section 1385, subdivision (a). Regardless of its determination concerning the Penal Code section 12022.95 enhancement, the trial court is to personally ensure that the abstract of judgment accurately reflects the sentence imposed as to counts 1 and 3. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

November 29, 2004 (Continued)

DIVISION FIVE (Continued)

[illegible]

The judgment is reversed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B171809 Los Angeles County, D.C.S. (Not for Publication)
v.
Gwen M. et al.

Kevin and Claire O.'s motion to dismiss the department's appeal is granted in part and denied in part. The department's appeal of the do not move order is dismissed as moot. The motion to dismiss the appeal of the suitable placement order is denied. The suitable placement order is affirmed.

Kevin and Claire O.'s motion to dismiss the P.'s appeal is granted in part and denied in part. The motion to dismiss the appeal from the denial of the section 388(b) petition is granted. The motion to dismiss the appeal of the order denying the section 827 petition is denied. The order denying the section 827 petition is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

B166204 People (Certified for Partial Publication)
v.
Lee

Whether or not the people elect to retry count two, the court shall resentence on count one. We express no opinion concerning the sentence. The judgment is reversed as to Count II.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B169165 Esteras (Not for Publication)
v.
Esteras

The judgment is affirmed. Costs on appeal are awarded to respondents.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

B174681 San Luis Obispo County (Not for Publication)
 Department of Social Services
 v.
 Angel L.

The order of the juvenile court is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

B168011 People (Not for Publication)
 v.
 Davis

The judgment is reversed and this case is remanded for a new trial.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B170421 People (Not for Publication)
 v.
 Amaya

The protective order prohibiting Amaya from contacting Noe Ayala, Imelda Ayala, and "El Cholo" is reversed. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.

DIVISION SIX (Continued)

B170178 People
 v.
 Villareal

Filed order denying petition for rehearing.

DIVISION SEVEN

B171912 County of Los Angeles
 v.
 Ranger Ins. Co.

Filed order denying petition for rehearing.

DIVISION EIGHT

Court reconvened at 9:04 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B170899 DCFS v. Curtis B.
B172508 People v. Cross
B172765 DCFS v. Evelyn G.
B170092 People v. Cerda
B171181 People v. Chaney
B177676 Cesa G. v. SCLA (DCFS)
B177358 Rudy F. & Jessica G. v. SCLA (DCFS)

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B171726 City Of Malibu
 v.
 Taxpayers For Livable Communities

Merits:
Argued by Christi Hogin for appellant and by Linda Thornton for
respondent. Cause submitted.

B173471 Visher et al.
 v.
 City Of Malibu

Merits:
Argued by Christi Hogin for appellant and by David Visher respondent in
propria persona. Cause submitted.

B171217 Millennium Corporate Solutions
 v.
 Peckinpaugh et al.

Merits:
Argued by Solange E. Ritchie for appellant and by Andrew M. Sussman for
respondents. Cause submitted.

B175160 Property Owners For Property Rights Protection
 v.
 Glendale Tenant Association

Merits:
Argued by Paul Gough for appellant and no appearance by counsel for
respondent. Cause submitted.

DIVISION EIGHT (Continued)

B172989 Ross
 v.
 United Services Automobile Association

Merits:
Argued by John A. Belcher for appellant and by Robert A Walker for respondent. Cause submitted.

B167661 Brown et al.
 v.
 The City Of South Pasadena et al.,
 Huntington Fremont Partners et al.

Merits:
Argued by Richard Macias for appellants, by Stephen P. Pfahler for respondents and by Paul C. Anderson for real parties in interest. Cause submitted.

B167509 Fischl
B169530 v.
 New Horizons Computer Learning Centers, Inc. et al.

Merits:
Argued by Thomas Tosdal for appellant and by Mark L. Eisenhut for respondents. Cause submitted.

B171969 Tarzana Tower
 v.
 City Of Los Angeles
 GH Capital, LLC

Merits:
Argued by Tamara C. Stein for appellant, by Terry K. Macias, Deputy City Attorney for respondents and by Lisa Weinberg for real party in interest. Cause submitted.

DIVISION EIGHT (Continued)

B169058 Sanchez
 v.
 The Twelve Chairs Investment Company

Merits:
Argued by Louis J. Esbin for appellant and by Michael J. Melton for
respondent. Cause submitted.

Court recessed at 1:25 p.m.

Court reconvened at 1:56 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy
Clerk.

B168887 Regency Wines
 v.
 Champagne Montaudon

Merits:
Argued by Michael J. Perry for appellant and by Ralph J. Sutton for
respondent. Cause submitted.

B172398 Lee
 v.
 Pollack et al.

Merits:
Argued by Robert Levy for appellant and by Jay Vogel for respondents.
Cause submitted.

B170895 State Of California ex rel. California State Lands Commission
 v.
 City Of Long Beach

Merits:
Argued by Robert E. Shannon for appellant and by Alan Hager, Deputy
Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B167676 City Of Los Angeles
 v.
 Allianz Insurance Company et al.

Merits:
Argued by Jeffrey Ehrlich for appellant and by John V. Hager for respondents. Cause submitted.

B164803 Estate of Myrtle Curland
 Curland
 v.
 Lander

Merits:
Argued by Carol M. Curland, appellant in propria persona and by Robert Miller for respondent. Cause submitted.

B176030 Travelers Casualty & Surety Company et al.
 v.
 Superior Court, Los Angeles County
 (Plaintiffs & Defendants Of The Clergy Cases I et al.,, r.p.i.)

Merits:
Argued by Alan Lazarus, for petitioner Travelers Casualty and Surety Company, by Lon Harris, for petitioner Industrial Underwriters Ins. Company, by G. Andrew Lundberg for real party in interest Diocese Of Orange and by Raymond Boucher for real parties in interest Plaintiffs & Defendants of The Clergy Cases I. Cause submitted.

B169859 Abbott
 v.
 Cunningham

Oral argument continued to November 30, 2004, at 1:00 p.m.

DIVISION EIGHT (Continued)

B170926 Kelayejian
 v.
 Allstate Insurance Company

Oral argument continued to December 17, 2004, at 1:00 p.m.

B174825 Blakemore
 v.
 Superior Court, Los Angeles County
 (Avon Products, r.p.i.)

Oral argument continued to February 24, 2005.

B175973 Blakemore
 v.
 Superior Court, Los Angeles County
 (Avon Products, r.p.i.)

Oral argument continued to February 24, 2005.

Court Adjourned at 4:35 P.M.

B168323 Agjebo et al.
 v.
 Los Angeles County Department of Children

Filed order denying petition for rehearing.

B169885 DBJJJ, Inc. dba Always & Forever
 v.
 National City Bank

Filed order denying petition for rehearing.